

DEPARTMENT OF HUMAN RESOURCES

3.7 POLICY ON WHISTLEBLOWER PROTECTIONS

(a) Purpose and Scope

- (1) **Purpose.** The purpose of this policy is to establish whistleblower protections for employees of the Maryland Judiciary.
- (2) **Scope**
 - (A) This policy applies to:
 - (i) applicants for employment;
 - (ii) employees who are paid through the Central Payroll Bureau of the Comptroller; and
 - (iii) employees of the State Board of Law Examiners, the Thurgood Marshall State Law Library, the Commission on Judicial Disabilities, and the Maryland Court of Appeals Standing Committee on Rules of Practice and Procedure.
 - (B) This policy does not apply to:
 - (i) locally funded employees in the Circuit Courts;
 - (ii) employees of the Attorney Grievance Commission and the Client Protection Fund;
 - (iii) employees of the Register of Wills or the Orphans' Court; and
 - (iv) judges.

(b) Definitions

- (1) **Administrative Head:**
 - (A) For the Appellate Courts, the Clerk of the Court for all employees under the Clerk's supervision, and the Chief Judge for all other employees, in the appellate court where the employee works;
 - (B) For the Circuit Courts, the Clerk of the Court for all employees under the Clerk's supervision, and the County Administrative Judge for all employees under his or her supervision, in the Circuit Court where the employee works;
 - (C) For the District Court, the Chief Judge of the District Court, the Chief Clerk, or the Administrative Clerk for all employees under his or her supervision;
 - (D) For the Administrative Office of the Courts (AOC), the State Court Administrator;
 - (E) For units, the head of the unit where the employee works; or,
 - (F) Any person who serves as the authorized designee, by express written designation, of any of the foregoing persons.
- (2) **Employee** – Any person employed by the Maryland Judicial Branch of Government and paid through the Central Payroll Bureau of the Comptroller, or employed by a unit, except judges, elected officials, and employees of a Register of Wills Office.
- (3) **Grievance** – An employee's written complaint as defined in the Judiciary Policy on Grievances.
- (4) **Judiciary Human Resources Department (JHRD)** – The department within the AOC that is responsible for, but not limited to, the following functions for State employees in the Maryland Judiciary: human

resources policy development, administration, and interpretation; recruitment; employment and orientation services; employee benefits; position classification and salary administration; and employer-employee relations.

- (5) **Supervisor** – Any individual designated as a supervisor by the appropriate administrative head.
- (6) **Unit** – The State Board of Law Examiners, the Thurgood Marshall State Law Library, the Commission on Judicial Disabilities, and the Maryland Court of Appeals Standing Committee on Rules of Practice and Procedure.

(c) Policy Statement

The Maryland Judiciary is opposed to acts of retaliation taken against employees who disclose information as stated in Section (d)(1) on the part of any member of the Maryland Judiciary. This policy provides protections for employees who disclose such information.

(d) Whistleblower Protection

- (1) **Reprisal Prohibited.** A supervisor or administrative head may not take or refuse to take any personnel action as a reprisal against an employee solely because the employee discloses information that the employee reasonably believes evidences:
 - (A) An abuse of authority;
 - (B) Gross mismanagement;
 - (C) A substantial and specific danger to the public health or safety; or,
 - (D) A violation of law.
- (2) **Redress for Alleged Reprisal.** An employee who believes he or she has suffered reprisal in violation of this policy may file a grievance pursuant to the procedures established in the Judiciary Policy on Grievances.

(e) **Effective Date:** This policy applies to all requests for redress under Section (d)(2) initiated on or after July 1, 2017.

(f) **Interpretive Authority:** The JHRD is responsible for the interpretation of this policy.

(g) **Not a Contract:** This policy does not constitute or create an express or implied contract. It is not intended to, and does not, create contractual obligations with respect to any matter it covers.